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Wal-Mart Stores, Inc.*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

LISA FRANCESCA COLE,

Plaintiff,

v.

WAL-MART STORES, INC. and DOES I
through X, inclusive,

Defendants.

Case No.: 2:15-CV-00262-JAD-NJK

**PROPOSED JOINT DISCOVERY PLAN
AND SCHEDULING ORDER
SUBMITTED IN COMPLIANCE WITH
LR 26-1(e)**

Pursuant to Local Rule 26-1(e), the parties submit their proposed Discovery Plan and Scheduling Order. Deadlines that fall on a Saturday, Sunday, or legal holiday have been scheduled for the next judicial day.

1. **Meeting:** Pursuant to FRCP Rule 26(f), a meeting was held on March 3, 2015, and was attended telephonically by Daniela LaBounty of PHILLIPS SPALLAS & ANGSTADT LLC, for Defendant Wal-Mart Stores, Inc., and Bradley J. Myers, Esq. of THE 702 FIRM for Plaintiff.

2. **Pre-Discovery Disclosures:** Pursuant to FRCP Rule 26(a)(1), the parties will make their pre-discovery disclosures, including but not limited to any Computation(s) of Damages required pursuant to FRCP 26(a)(i)(A)(iii), by March 17, 2015.

3. **Areas of Discovery:** The parties agree that the areas of discovery should include, but not be limited to: all claims and defenses allowed pursuant to the Federal Rules of Civil Procedure.

4. **Discovery Plan:** The parties propose the following discovery plan:

1 A. **Discovery Cut-off Date(s)**: LR 26-1(e)(1) provides that “unless otherwise
2 ordered, discovery periods longer than one hundred eighty (180) days from the date the first
3 defendant answers or appears will require special scheduling review.” The parties agree that there is
4 no need for a special scheduling review. Therefore, the parties agree that discovery must be
5 commenced and completed no later than August 11, 2015. This date is 180 days after Defendant’s
6 filing of its first appearance.
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8 B. **Amending the Pleadings and Adding Parties**: The parties shall have until May
9 13, 2015, to file any motions to amend the pleadings to add parties. This is 90 days before the
10 discovery cut-off date.
11

12 C. **FRCP 26(a)(2) Disclosure of Experts**: Disclosure of experts shall proceed
13 according to FRCP Rule 26(a)(2) and LR 26-1(e)(3) as follows: The disclosure of experts and their
14 reports shall occur on or before June 12, 2015. The disclosure of rebuttal experts and their reports
15 shall occur on or before July 13, 2015. These deadlines are 60 and 30 days before the discovery cut-
16 off date, respectively.
17

18 D. **Interim Status Report**: The parties shall file the interim status report by June 12,
19 2015, 60 days before the discovery cut-off date, as required by LR 26-3.
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21 E. **Dispositive Motions**: The parties shall have until September 10, 2015, to file
22 dispositive motions. This is 30 days after the discovery cut-off date, as required by LR 26-1(e)(4).
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24 F. **Pre-Trial Order**: The parties will prepare a Consolidated Pre-Trial Order on or
25 before October 12, 2015, which is not more than 30 days after the date set for filing dispositive
26 motions in the case, as required by LR 26-1(e)(5). This deadline will be suspended if dispositive
27 motions are timely filed until 30 days after the decision of the dispositive motions or until further
28 order of the Court. The disclosure required by FRCP Rule 26(a)(3), and objections thereto, shall be
made in the pre-trial order.

1 G. **Court Conferences**: If the Court has questions regarding the dates proposed by
 2 the parties, the parties request a conference with the Court before entry of the Scheduling Order. If
 3 the Court does not have questions, the parties do not request a conference with the Court.

4 H. **Extensions or Modifications of the Discovery Plan and Scheduling Order**:

5 LR 26-4 governs modifications or extensions of this Discovery Plan and
 6 Scheduling Order. Any stipulation or motion to extend a deadline set forth in the discovery plan and
 7 scheduling order must be made not later than 21 days before the subject deadline. Any stipulation or
 8 motion to extend the discovery cut-off period must be made no later than July 21, 2015, 21 days
 9 before the discovery cut-off date.
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11 I. **Authorizations**: It is agreed that Plaintiff Lisa Francesca Cole will complete,
 12 sign, and serve on Defendant on or before March 17, 2015, the following forms provided to
 13 Plaintiff's counsel by Defense counsel: (1) Release Regarding Controlled Substance Information; (2)
 14 a HIPAA-Compliant Authorization for the Release of Patient Information Pursuant to 45 CFR 164
 15 with the first section (provider information) left blank; (3) Social Security Administration Consent
 16 for Release of Information; (4) IRS Release; and (5) Employment Information Release.
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18 J. **Format of Discovery**: Pursuant to the electronic discovery amendments to the
 19 Federal Rules of Civil Procedure effective December 1, 2006, the parties addressed the e-discovery
 20 issues pertaining to the format of discovery at the Rule 26(f) conference. The parties do not
 21 anticipate discovery of native files or metadata at this time, but each party reserves the right to make
 22 a showing for the need of such electronic data as discovery progresses.
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1 K. **FRCP 35 Medical Examination**: The parties agree Plaintiff Lisa Francesca Cole
2 will undergo an FRCP 35 medical examination(s) to evaluate any body part or parts Plaintiff has
3 claimed injury to and for which she has claimed residual or future damages, performed by
4 Defendant's doctor(s), to be determined.
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6
7 DATED this 5th day of March 2015.

DATED this 5th day of March 2015.

8
9
10 /s/ Bradley J. Myers

11 Bradley J. Myers
12 THE 702 FIRM
400 S. 7th Street, Suite 400
Las Vegas, NV 89101

13 *Attorneys for Plaintiff*
14

/s/ Daniela LaBounty

Daniela LaBounty
PHILLIPS SPALLAS & ANGSTADT
504 South Ninth Street
Las Vegas, Nevada 89101

Attorneys for Defendant
Wal-Mart Stores, Inc.

15 **IT IS SO ORDERED:**
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17 **UNITED STATES MAGISTRATE JUDGE**

18 **DATED:** _____
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